

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Giovanni Moss, Director, Housing and Community Development,
954-797-1226

PREPARED BY: Burton Spiwak, Programs Speicalist, Housing and Community
Development

SUBJECT: Ordinance providing for a Town policy to prohibit discrimination
in the sale and rental of housing and providing definitions and a means to address any
violations of the Towns Fair Housing Ordinance.

AFFECTED DISTRICT: Town Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 16, CREATING ARTICLE VI ENTITLED "FAIR HOUSING CODE" PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, DISABILITY OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE TOWN COUNCIL AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 17, 2009 approved subject to amending the title to remove "handicap" from title and change to "disability." All voted in favor.}

REPORT IN BRIEF: As a recipient of Federal Funds from the U. S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Programs the Town has certified that it will affirmatively further fair housing opportunities and work to identify and remove impediments to fair housing choices; and, uphold Title VIII of the Civil Rights Act of 1968 and the Fair Housing Act of 1988 which prohibits discrimination in the sale, rental and financing of dwellings . Towards that end, the following Fair Housing Ordinance will provide a policy that prohibits the discrimination in the sale and rental of housing and provide for definitions and provide a means to address any violations of Town's Fair Housing Ordinance. In addition, the Town has applied \$2,316,292 in Neighborhood Stabilization Program funds from the State Department of Community Affairs and they require that the Town have a Fair Housing Ordinance in place to receive these funds.

The ordinance was drafted by the Housing and Community Development staff , revised by the Town's Fair Housing consultant Housing Opportunities for Project Excellence (H.O.P.E.) Inc., and reviewed and approved by the Town Attorney. The Town's Fair Housing consultant is available to answer any questions in regards to the Fair Housing Law as it pertains to the proposed ordinance.

PREVIOUS ACTIONS: At the June 17, 2009 meeting, Council approved subject to amending the title to remove “handicap” from title and change to “disability.”

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve ordinance

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 16, CREATING ARTICLE VI ENTITLED "FAIR HOUSING CODE" PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR, ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, DISABILITY OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE TOWN COUNCIL AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROVIDING FOR PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie is a recipient of Federal Funds from the U. S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Programs; and

WHEREAS, the Town has certified it will affirmatively further fair housing opportunities and work to identify and remove impediments to fair housing choices; and, uphold Title VIII of the Civil Rights Act of 1968 and the Fair Housing Act of 1988 which prohibits discrimination in the sale, rental and financing of dwellings

WHEREAS, it is necessary that the Town of Davie prohibit discrimination in housing by any person; and

WHEREAS, the Town of Davie needs to provide for the policy, definitions, unlawful housing practices, exemptions and exceptions, enforcement responsibility and authority, complaints, remedies, education and public information and severability; and

WHEREAS, it is in the best interest of all parties that this prohibition of discrimination in housing be furnished in single code;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. AUTHORITY. The Town of Davie has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida.

SECTION 2. The “Fair Housing Code” of the Town of Davie, Florida is hereby adopted as follows:

SECTION 3. Declaration of Policy. It is the policy of the Town of Davie in keeping with the laws of the United States of America and the spirit of the Constitution of the State of Florida, to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain housing of such person’s choice in this jurisdiction without regard to race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age, and, to that end, to prohibit discrimination in housing by any person.

SECTION 4. Definitions. The terms as used herein shall be defined as follows:

- A. Administrator: That person appointed by the Town Council pursuant to Section 6 hereof.
- B. Age: Unless the context clearly indicates otherwise, the work age as used herein shall refer exclusively to persons who are 18 years of age or older.
- C. Discriminatory Housing Practice: An act that is unlawful under Section 4 hereof.
- D. Family: One or more persons living together as a single housekeeping unit in a dwelling. The term family includes the grandparents, parents, children, brothers and sisters, whether by marriage, legal adoption or

blood, and their spouses and children, of either the property owner or spouse of the property owner; and the term "family" also includes a single individual.

- E. Housing or Housing Accommodation: Any building, structure, or portion thereof, mobile home or trailer, or other facility which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof, mobile home or trailer or other facility.
- F. Lending Institution: Any bank, insurance company, savings and loan association, credit union, mortgage company or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, or sources of credit information, including, but not limited to credit bureaus.
- G. Owner: Any person, including, but not limited to a lessee, lessor, subleasee, co-tenant, assignee, manager, or agent, and also including the Town of Davie and its departments or other subunits, having the right of ownership or possession or the authority to sell or lease any housing or housing accommodation.
- H. Person: One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mortgage companies, joint stock companies, trusts, unincorporated organizations, or public corporations, including, but not limited to the Town of Davie or any department or subunit thereof.
- I. Real Estate Agent: Any real estate broker, any real estate salesperson, or any other person, employee, agent, or otherwise, engaged in the management or operation of any real property.
- J. Real Estate Broker or Salesperson: A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.
- K. Real Estate Transaction: Includes the sale, purchase, exchange, rental or leases of real property, and any contract pertaining thereto.
- L. Rent: Includes leases, sublease, assignment and/or rental, including any contract to do any of the foregoing, or otherwise granting for a consideration the right to occupy premises that are not owned by the occupant.
- M. Complainant: means the person who files a complaint pursuant to this ordinance.
- N. Respondent: Any person against whom a complaint is filed pursuant to this ordinance.

- O. Sale: Includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real property.
- P. Handicap means, with respect to a person
- 1) A physical or mental impairment which substantially limits one or more of such person's major life activities,
 - 2) A record of having such an impairment, or
 - 3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance
- Q. Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with
- 1) A parent or another person having legal custody of such individual or individuals; or
 - 2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

SECTION 5. Unlawful Housing Practices.

- A. Unlawful housing practices: Sale or rental and advertising in connection therewith. Except as provided in Section 5 hereof, it shall be unlawful and a discriminatory housing practice for an owner, or any other person engaging in a real estate transaction, or for a real estate broker, as defined in this ordinance, because of race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap, age or any other protected basis included in Chapter 16 ½ of the Broward County Code of Ordinances:
- 1) To refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny housing to any person.
 - 2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.
 - 3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.
 - 4) To refuse to negotiate for a real estate transaction with a person.
 - 5) To represent to a person that housing is not available for inspection, sale, rental or lease when, in fact, it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing.
 - 6) To steer any person away from or to any housing.
 - 7) To make, print, publish, circulate, post or mail, or cause to be made, printed, published or circulated, any notice, statement,

- advertisement or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification, or discrimination with respect thereto.
- 8) To offer, solicit, accept, use or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.
- 9) To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used or occupied by any person protected by the terms of this ordinance.
- 10) To make any misrepresentations concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing in any area in the Town of Davie for the purpose of inducing or attempting to induce any such listing or any of the above transactions.
- 11) To retaliate or discriminate in any manner against any person because of his or her opposing a practice declared unlawful by this ordinance, or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under this ordinance.
- 12) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by the provisions of this ordinance, or to obstruct or prevent any person from complying with the provisions of this ordinance, or any conciliation agreement entered into there under.
- 13) By canvassing to compel any unlawful practices prohibited by the provisions of this ordinance.
- 14) Otherwise to deny to, or withhold, any housing accommodations from a person.
- 15) To promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, visitation or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing by referring as a part of a process or pattern of indicating neighborhood unrest, community tension, or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area, to the race, color, religion, neighbors, tenants or other prospective buyers of any housing.
- 16) To place a sign or display any other devise either purporting to offer for sale, lease, assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to

sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer or other disposition.

- 17) To intimidate, threaten, coerce or interfere with the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this article.
- 18) To refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase for persons with disabilities any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate, as part of a restoration agreement, a provision requiring that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.
- 19) To refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.
- 20) To fail to design and construct multifamily dwellings for first occupancy after March 13, 1991, in such a manner that:

 - a) The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.
 - b) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by person with disabilities who utilize wheelchairs; and
 - c) All premises within such dwellings contain the following features of adoptive design: Building entrances on an accessible route, an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations, reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchen and bathrooms such that an

individual who utilizes a wheelchair can maneuver about the space;

- d) Compliance with the appropriate requirements of the American National Standards Institute for buildings and facilities providing accessibility and usability for persons with physical disabilities commonly cited as ANSI. A 117.1-1986, Suffices to satisfy the requirements of paragraph 13.

21) To initiate maliciously, frivolously or in bad faith any charge under the provisions of this article for the purposes of harassment.

B. Unlawful housing practices: Financing.

It shall be unlawful and a discriminatory housing practice for any lending institution, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age of such person or of any person associated with such person in connection with such loan or other assistance, or of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in Section 5 of this ordinance.

C. Unlawful housing practices: Brokerage Services.

It shall be unlawful and a discriminatory housing practice to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility related to the business of selling, or renting housing, or to discriminate against such person in the terms or conditions of such access, membership or participation because of race, color, ancestry, national origin, religion, sex, marital status, familial status or age.

SECTION 6. Exemptions and Exceptions.

- A. Nothing contained in Section 4 hereof shall prohibit a religious organization, association, or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall

anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

B. Nothing in Section 4 hereof, other than subsection (g) of subsection (1) thereof, shall apply to:

- 1) Any single-family house sold or rented by an owner: provided, that such private individual owner does not own more than three such single family houses at any one time; provided, further, that in the case of the sale of any such single family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; provided, further, that it does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided, further, that the owner sells or rents such housing (1) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson, or person and (2) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection (g) of subsection (1) of Section 4 hereof, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title; or
- 2) Rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as such owner's residence, provided that the owner sells or rents such rooms or units (1) without the use in any manner of the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent salesperson, or person and (2) without the publication, posting or mailing, after notice in violation of subsection (g) of subsection (1) of Section 4 hereof, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and

other such professional assistance as necessary to perfect or transfer the title.

- C. For the purpose of this subsection a person shall be deemed to be in the business of selling or renting housing if:
- 1) He or she has, within the preceding twelve months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein; or
 - 2) He or she has, within the preceding twelve months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or
 - 3) He or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.
- D. Housing for older persons shall be exempted from the provisions regarding familial status. Housing for older persons may also maintain only those age restrictions necessary in order to be designated as housing for older persons.

SECTION 7. Fair Housing Officer's Authority and Responsibilities.

- A. The Town of Davie Town Council hereby authorizes the Town Administrator to appoint an official or Fair Housing Agency for administering and enforcing the requirements of this ordinance and whose title shall be "Fair Housing Officer" or Fair Housing Agency ("Agency").
- B. General Powers and Duties. The Fair Housing Officer or Agency shall:
- 1) Receive written complaints as hereinafter provided in Section 7 relative to alleged unlawful acts under this ordinance when a complaint seeks the Fair Housing Officer's or Fair Housing Agency's good offices to conciliate.
 - 2) Upon receiving written complaint, make such investigations as the Fair Housing Officer or Agency deems appropriate to ascertain facts and issues.
 - 3) Utilize methods of persuasion, conciliation, and meditation or information adjustment of grievances.
 - 4) Establish, administer or review programs at the request of the Town Administrator and make reports on such programs to the Town Administrator.
 - 5) Bring to the attention of the Town Administrator items that may require Town Council notice or action to resolve.

- 6) Render to the Town Administrator written reports of his or her activities under the provisions of this ordinance along with such comments and recommendations as he or she may choose to make.
- 7) Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this ordinance.

- C. Determination of Probable Cause. If after fully processing the complaint in the manner hereafter provided, the Fair Housing Officer or Agency determines that there is probable cause to believe that there has been a violation of the provisions of this ordinance, the Fair Housing Officer or Agency shall refer the matter, along with the facts he or she has gathered in the investigations, to the proper county, state, federal or other authorities for appropriate legal action.
- D. Promulgation of Forms and Regulations. The Fair Housing Officer or Agency shall promulgate, publish and distribute the necessary forms, rules and regulations to implement the provisions of this ordinance.

SECTION 8. Complaints.

- A. A person who claims that another person has committed a discriminatory housing practice against him or her may report that offense to the Fair Housing Officer or Agency by filing a complaint no later than one year after the date of the alleged discriminatory housing practice and not later.
- B. The Fair Housing Officer or Agency shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284, as a complaint filed under subsection (1).
- C. A complaint must be in writing, verified or affirmed, on a form to be supplied by the Fair Housing Officer or Agency and shall contain the following:
- 1) Identity and address of the respondent.
 - 2) Date of offense and date of filing the informal complaint.
 - 3) General statement of facts of the offense including the basis of the discrimination (race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age).
 - 4) Name and signature of the complainant.

- D. Each complaint shall be held in confidence by the Fair Housing Officer or Agency unless and until the complainant and the respondent(s) consent in writing that it shall be made public.
- E. Within fifteen (15) days after the filing of the informal complaint, the Fair Housing Officer or Agency shall transmit a copy of the same to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondent(s) may file a written, verified informal answer to the informal complaint within fifteen (15) days of the date of the receipt of the informal complaint.
- F. A complaint or answer may be amended at any time, and the Fair Housing Officer or Agency shall furnish a copy of each amended informal complaint or answer to the respondent(s) complaint, respectively, as promptly as practicable.
- G. The Fair Housing Officer or Agency shall assist complainants or respondents when necessary in the preparation and filing of complaints or answers or any amendments thereto.
- H. The Fair Housing Officer or Agency shall advise complainants of their rights and options provided in Section 760.34, Florida Statutes.

SECTION 9. Processing Complaints.

- A. Within one hundred (100) days after the filing of an informal complaint, the Fair Housing Officer or Agency shall make such investigation as is deemed appropriate to ascertain facts and issues. If the Fair Housing Officer or Agency shall deem that there are reasonable grounds to believe that a violation has occurred and can be resolved by conciliation, the Fair Housing Officer or Agency shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done in the course of the informal conference with the individuals to resolve the dispute may be public or used as evidence in a subsequent proceeding by either party without the written consent of both the complainant and the respondent(s). The Fair Housing Officer or employee of the Fair Housing Officer or Agency who shall make public any information in violation of this provision shall be deemed guilty of a violation of a Town of Davie ordinance and shall be subject to penalty as set forth in Section 12 of this ordinance.
- B. If the parties desire to conciliate, the terms of the conciliation shall be reduced to writing in the form approved by the Fair Housing Officer or Agency and must be signed and verified by the complainant and

respondent(s) and approved by the Fair Housing Officer or Agency. The conciliation agreement shall be for conciliation purposes only and shall not constitute an admission by any party that the law has been violated.

- C. If the Fair Housing Officer or Agency deems that there is not probable cause to believe that the alleged discriminatory housing practice has been committed, the Fair Housing Officer or Agency shall take no further action with respect to the alleged offense.
- D. If the Fair Housing Officer or Agency, with respect to any matter involves a contravention of this ordinance by failure to conciliate a complaint after the parties, in good faith, have attempted such conciliation; or determining that the violation alleged in the complaint cannot be resolved by conciliation, the Fair Housing Officer or Agency shall notify both the complainant and the respondent(s) within thirty (30) days of the failure or the determination, and then shall proceed as provided in Paragraph (3) of Section 6 herein above.

SECTION 10. Additional Remedies. The procedure prescribed by this ordinance does not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this ordinance shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the Constitution or laws of the United States or the State of Florida, and the provisions of this ordinance shall be in addition to those provided by such other laws.

SECTION 11. Education and Public Information. The Fair Housing Officer or Agency may conduct educational and public informational activities that are designed to promote the policy of this ordinance.

SECTION 12. Untruthful Complaints or Testimony. It shall be a violation of this ordinance for any person knowingly and willfully to make false or untrue statements, accusations or allegations in a complaint filed hereunder or to give false testimony concerning violations of this ordinance.

SECTION 13. Penalty. Any person who violates any provisions of this ordinance shall be subject, upon conviction, to a fine up to but not exceeding the sum of Five Hundred and no/100 Dollars (\$500.00).

SECTION 14. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 15. Effective Date. This ordinance shall take effect immediately upon its passage.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2009.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2009.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED _____ DAY OF _____ 2009